

APPROVED: MEETING NO. 6-85

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 2-85

January 14, 1985

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, January 14, 1985, at 8:00 p.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan;  
Assistant City Attorney Frank Lacey.

Re: City Manager's Report

Mr. Blick reported the following:

1. The Martin Luther King remembrance was held on Saturday, January 12, at the Senior Center. Local employers received equal opportunities awards. They were judged on their ability to foster and encourage the growth and development of the City of Rockville in a manner that will assure to all persons equal opportunity to live free of discrimination imposed because of race, creed, color, sex, national origin, ancestry, marital status, handicap or age. The winners were the National Con-Serve Company which won the large company award and the Lincoln Park Laundry Dry Cleaners which won the small company award.

2. The staff has recommended three options for handling the Treatment Center's visitors passes for the Fletcher Place parking permit. This will be discussed under new business.

3. Captain John Miller of the City's Police Department was selected for the 11 week Police Executive Training course at Quantico. It is commonly referred to as the FBI academy. It is the most prestigious training a law enforcement officer can receive.

Councilman Abrams suggested the Mayor and Council discuss the Treatment Center passes earlier in the evening than to wait until new business and asked that it might be moved forward. The City Manager explained that he had suggested new business because of four public hearings this evening. Councilman Abrams suggested that if the opportunity arose a decision could be made earlier.

Re: Appointments

Mayor Hovsepian made the following appointments. They were confirmed by the Council:

Historic District Commission: Michael Patterson - Chairman - 1 year term

Economic Development Commission: Deborah McGuire - 2 year term  
First Women's Bank

Traffic & Transportation Commission: Mary Lynn Scott - reappointed - 1 year term  
Harry Regan - reappointed - 1 year term

COG/PAC: Will Terry Moore

Re: Permit Parking on  
Fletcher Place

Since the Council had not reached 8:15 for citizen's forum, Councilman Abrams suggested they discuss permit parking on Fletcher Place. The City Manager distributed information compiled by the staff. The Assistant City Manager explained the various alternatives and the use of passes where the permits are temporary and in what number. The Council discussed the

alternatives but could not reach a consensus and postponed the item until later in the evening.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Robert Metz, Linowes & Blocher. Mr. Metz referred to the item on the agenda concerning the City's testimony for the Montgomery County Council hearing on the MXPD zone. He extended an invitation to the Council to watch a thirty minute slide presentation that Linowes & Blocher would do to explain the plans for that area and the phasing of the 10-year build out. At the same time questions could be answered. The Mayor thanked Mr. Metz and said the Council would consider it.

2. Steve Fisher. Mr. Fisher said he would like to know the status of the text amendment for the Office Park zone. Chief Planner Larry Owens said the Text Amendment is available and is now printed. Mr. Fisher asked if it would be mailed out. The City Manager said it will be available at City Hall but no plans were made for a bulk mailing at this time.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Approval of funding  
for lights of Wootton  
High School

Councilman Abrams asked if this item could be deferred until the next meeting since the County Executive's budget may have an affect on the City. Many suggestions have been made concerning the impact of the number of students attending Wootton versus the number of students attending Richard Montgomery. Since there is a degree of uncertainty at this time as to whether or not Rockville students will in fact be attending Wootton it might be more prudent to assess the entire situtation before a decision is made. Mayor Hovsepien

suggested this is simply the County Executive's proposed budget and no boundary changes are being made at this time. Councilman Duncan said he would agree with Councilman Abrams out of courtesy and asked that the item be deferred until the next business meeting. Since it was the consensus of the Council to defer, Mayor Hovsepian asked that the item be scheduled on the February 4 agenda and an attempt be made to contact the Wootton people who are planning to attend this meeting later on.

Re: Public Hearing: Text  
Amendment Application  
T-63-84, J.A. Lynott,  
Jr., Atty, for Jamil  
M. Azat, to alter  
non-conforming status  
for an existing  
restaurant in the  
Town Center Planning  
Area

The Mayor and Council conducted a public hearing on Text Amendment Application, T-63-84, J.A. Lynott, Attorney for Jamil M. Azat, to alter non-conforming status for an existing restaurant in the Town Center Planning Area, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing: Text  
Amendment Application, T-64-84,  
Clinton A.M.E. Zion  
Church, 814 Westmore  
Avenue, Applicant, to  
add a new subsection  
so as to allow a  
church or other place  
of worship in a  
residential zone to  
provide parking on a  
separate lot from the  
facility served.

The Mayor and Council conducted a public hearing on Text Amendment

Application, T-64-84, Clinton A.M.E., Zion Church, Applicant, to add a new subsection so as to allow a church or other place of worship in a residential zone to provide parking on a separate lot from the facility served, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Public Hearing: Map  
Amendment Applica-  
tion, M-40-84, J.A.  
Lynott, Attorney for  
Marriott Corporation,  
Applicant, requesting  
the rezoning of a  
five acre parcel of  
land at the southeast  
corner of Shady Grove  
Road and Research  
Blvd. from the  
present I-2, Light  
Industrial Zone, to  
the I-3, Industrial  
Park Zone

The Mayor and Council conducted a public hearing on Map Amendment Application, M-40-84, J.A. Lynott, Jr., Attorney for Marriott Corporation, Applicant, requesting the rezoning of a five acre parcel of land at the southeast corner of Shady Grove Road and Research Blvd. from the Present I-2, Light Industrial Zone, to the I-3, Industrial Park Zone, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held opened for two weeks.

January 14, 1985

Re: Public Hearing: Text  
Amendment Applica-  
tion, T-65-84, J.A.  
Lynott, Jr., 51  
Monroe Street, appli-  
cant, to extend the  
special development  
standards for certain  
lots in the I-3 zone  
to additional property

The Mayor and Council conducted a public hearing on Text Amendment Application, T-65-84, J.A. Lynott, Jr., applicant, to extend the special development standards for certain lots in the I-3 zone to additional property, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Adoption of  
Ordinance: To Expand  
the Membership of the  
City's Retirement  
Board

Ordinance No. 1-85

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 1-85, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council expanding the membership of the City's Retirement Board, was adopted by the Mayor and Council.

Re: Approval of lease  
with Tribune United  
for space in Mall  
garage

This is a proposed Lease Agreement with Tribune United for space on the middle level of the Town Center Garage. Tribune United wishes to lease 768 square feet to house additional electronic equipment. The area in question is near the elevator shaft and parcel pick-up location of the former department store, thus, there will be no reduction in parking spaces.

Rent for the space will be computed at \$2.50 per square foot or \$1,920.00 per year. The rent will be paid in monthly installments of \$160.00.

The lease is for an initial term of five years with options for two five-year extensions.

The lease agreement has been approved by the office of the City Attorney as to form and content. It is recommended that the Mayor and Council approve the Agreement with Tribune United since it will be mutually beneficial to each party.

On motion of Councilman Abrams, duly seconded and unanimously passed, the lease with Tribune United was approved by the Mayor and Council.

Re: Approval of testimony  
for Montgomery  
Council hearing on  
MXPD zone

This is a hearing being held by the Montgomery County Council sitting as the District Council for the Maryland/Washington Regional District and concerns the pending Montgomery County Zoning Amendment Application, G-4439. The Mayor and Council are opposed to the rezoning.

On motion of Councilman Duncan, duly seconded and unanimously passed, the testimony was approved and staff was asked to retype the testimony for the editorial changes necessary.

Re: Approval of Waiver of  
P.I.L.O.T. for  
Rockville Housing  
Authority

At its meeting of September 10, 1984, the Mayor and Council agreed to forgive unpaid Payments in Lieu of Taxes (PILOT) owed by the Rockville Housing Authority in the amount of \$81,050.80. The Mayor and Council also agreed that no further PILOT would be owed to the City by the RHA until such time as the Housing Authority attains an operating reserve of \$50,000.

Staff was instructed to prepare a written agreement to be executed with the Housing Authority which would record and implement the Mayor and Council decision. Since such an agreement would affect the Housing Authority's ability to spend money, staff consulted with the HUD Chief Counsel for advice as to the best means of achieving the City goal while meeting applicable Federal requirements.

The HUD Chief Counsel, Edward Palombizio, advised the use of an addendum to the Cooperation Agreement between the Mayor and Council and the Housing Authority.

The original Cooperation Agreement was signed in 1956. It is the means by which the Housing Authority is exempted from Real Estate taxes. It also sets forth the means by which PILOT is computed in accordance with Federal regulations. An amendment to the Agreement which was signed in 1960 increased the number of units the RHA could operate within the City from 75 to 200.

A proposed Second Amendment which incorporates the Mayor and Council's instructions has been prepared by this office. It has been reviewed and approved by both the HUD Chief Counsel's Office and the Office of the City Attorney. The Director of Finance has also reviewed and approved the Amendment, a copy of which is attached. A copy of the proposed Amendment has also been provided to the Rockville Housing Authority for its review.

It is recommended that the proposed Second Amendment to the Cooperation Agreement be approved by the Mayor and Council and then forwarded to the Housing Authority for execution.

Councilman Hartogensis asked why the Mayor and Council were being asked to waive an \$80,000 payment. Mr. Horne explained that there is no way that money can be paid to the City. Councilman Hartogensis announced he will abstain from voting since he was not on the Council when the original September 10 agreement was made.



On motion of Councilman Abrams and passed by unanimous vote of all voting (Councilman Hartogensis abstaining) the waiver was approved.

Re: Introduction of Ordinance: To Amend Section 1-103 of Chapter 17 of the "Laws of Rockville", entitled "Grading, Erosion and Sediment Control", to clarify the requirement that the Chapter applies to all activity which requires a building permit whether or not land disturbing activity is involved.

On motion of Councilman Abrams, there was introduced upon the table an ordinance clarifying the requirements for sediment control. Said ordinance to lay over at least one week before final action is taken.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. John Menke, re Zoning in Rockville

The staff was instructed to draft a letter declining Montgomery County's offer to do the City's Zoning. Councilman Abrams suggested the same invitation be extended to the County and the City offer to do their zoning and request that they defer a decision on the MXPDP until they have a chance to respond to the City's invitation.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Annual Financial Report
2. Update on Rockville Board game
3. Status report on Holladay/Tyler
4. Senior Center Newsletter
5. County Rideshare Newsletter
6. Memo on Vandergrift Ave. one-way proposal

7. Information on Police Phone Number stickers

Mayor Hovsepian asked that these be made available at Council meetings, hearings and board and commission meetings.

Re: New Business

1. Mr. Hobbs readdressed the situation at the Treatment Center of visitor passes. The Council discussed the problems that exist at the Treatment Center. The object in the original resolution was to make it as easy as possible for the patients at the Treatment Center. After considerable discussion and the lack of definite agreement, the Council agreed that the staff should work out the situation. Councilman Tyner asked the staff to report back to the Mayor and Council if there was no use of the permit procedure by the neighborhood. Mayor Hovsepian addressed the necessity of educating the patients as to just what the problem is, why it is been caused and what the City hopes to accomplish with the permit solution.

2. Councilman Tyner suggested the Mayor and Council consider additional meetings in order to accomplish its workload and not fall behind. These meetings could be in addition to the regularly scheduled Monday meetings or at other times during the week.

3. Councilman Abrams said on Saturday he testified against the Abingdon Apartments in Alexandria. The County did agree to the bond issue 6-0 but not until extensive negotiations were reopened and a half a million dollar package was realized as a result. He said he has instructed the staff to maintain communications with Alexandria in order that each may benefit from the other's experience.

4. Councilman Abrams had asked that the staff look into TDR's on some properties on Rockville Pike as the City is approaching zoning changes.

5. Councilman Abrams asked the City Attorney's office when the ordinance on school disclosure would be ready. It is his feeling it should be done

quickly. At the same time it will be necessary for the Mayor and Council to relook at the education policy since the County Executive's message in the CIP has wide ranging recriminations. He noted that the meeting this Wednesday of the Education Commission will be an important one.

Re: Work Session: Ethics  
Ordinance

The Mayor and Council agreed this would be deferred until a later time due to the lateness of the hour.

Re: Adjournment

There being no further business to come before the Council in general session, the meeting was adjourned at midnight to convene again on Thursday, January 24, 1985, at 7:30 p.m. in work session, or at the call of the Mayor.